HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No. 349 of 2007

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Between:
Sama Ganesh Reddy

... Appellant

And
Mandal Revenue Officer, Hayathnagar Mandal & another

....Respondents.

:: J U D G M E N T ::

Counsel for the appellant : Shri V. Venkata Ramana

26.04.2007

Per G.S. SINGHVI, CJ

Apprehending his dispossession from land measuring Ac.5.00 comprised in Survey No.279 of Turkayamjal Village, Hyderabad, which he had purchased from Major Harikishan Das, an Ex-serviceman, the appellant filed Writ Petition No.7882 of 2007 and prayed for restraining the respondents from dispossessing him.

The aforementioned prayer of the petitioner was founded on the assertion contained in paragraph 4 of his affidavit that Mandal Revenue Officer, Hayathnagar Mandal, Ranga Reddy District visited the site on 12.04.2007, took measurements and informed him that the land is required for construction of RTC bus depot and that it will be acquired.

The learned Single Judge took cognizance of the statement made by the learned Assistant Government Pleader appearing for the respondents that if the land of the writ petitioner (the appellant herein) is to be acquired, due process of law will be followed, and dismissed the writ petition.

Shri V. Venkata Ramana, learned counsel for the appellant submitted that the statement of the learned Assistant Government Pleader cannot be treated as an undertaking on behalf of the respondents not to dispossess the appellant without following the procedure established by law and even if the same could be treated as an assurance given on behalf of the State, the learned Single Judge ought not to have dismissed the writ petition.

In our opinion, there is no merit in the submission of Sri V. Venkata Ramana. The Government Pleader representing the official respondents is always empowered to give an undertaking or assurance on behalf of the officers/authorities whom he represents and such assurance/undertaking is binding on the concerned officers/authorities. Therefore, we do not find any justification to entertain the appeal by discarding the statement made by the learned Assistant Government Pleader that if the land of the appellant is required, procedure established by law will be followed by the concerned authority.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.660 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

26.04.2007
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